

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 17, 1965

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, March 17, 1965, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - CULBERTSON, KIRSTEN, WALTON
and DOW (Mayor pro tempore)

Absent: Councilmen - BROWN

Also present: City Manager Graves, City Attorney Mullen, Administrative Assistant Peterson, Planning Director Schroeder.

MINUTES On motion of Councilman Culbertson, Kirsten second, the minutes of March 3, 1965 were approved as written and mailed after correcting the paragraph on page 6 entitled "Capital Improvement Program-Public Safety" by changing "\$70-\$80,00" to "\$70-\$80,000."

PUBLIC HEARINGS

ELECTRIC RATE SCHEDULES Notice thereof having been published in accordance with law, Vice-Mayor Dow called for public hearing on the proposed ordinance revising the electric rate schedules and including the dusk to dawn lighting. Mr. Graves explained the purpose of the ordinance was to clarify present schedules which according to policy of the City are to be 10% lower than rates charged by P.G. & E. for comparable service. There being no comments, either for or against the proposed ordinance, from the audience, Vice-Mayor Dow closed the public hearing portion of the hearing. On motion of Councilman Kirsten, Walton second, the City Council rescinded its introduction of Ordinance No. 781 providing for dusk to dawn lighting, made at the meeting of March 3, 1965, and introduced Ordinance No. 781 establishing rates for the sale of electric energy by the City of Lodi.

RESALE OF ELECTRIC ENERGY Notice thereof having been published in accordance with law, Vice-Mayor Dow opened the public hearing on the proposal to adopt an ordinance regulating the resale of electric energy. Mr. Graves explained the purpose of the ordinance was to prevent tenants from being charged for electricity by their landlords in excess of the rate they would be charged by the City if the City supplied such service directly. There were no persons in the audience for or against the proposed ordinance, and the Vice-Mayor closed the public hearing portion of the hearing. On motion of Councilman Kirsten, Culbertson second, the City Council introduced Ordinance No. 782 regulating the resale of electric energy in the City of Lodi.

ANNEX KETTELMAN ADDITION Notice thereof having been published in accordance with law, the Vice-Mayor called for public hearing on the proposed annexation of the Kettelman Addition. Mr. Robert H. Rinn, 820 West Walnut Street, representing the property owners, spoke in favor of the annexation. No one spoke against the annexation. Councilman Culbertson moved the adoption of Resolution No. 2802 annexing the Kettelman Addition to the City of Lodi. The motion was seconded by Councilman Kirsten and carried unanimously.

P-D ZONE Notice thereof having been published in accordance with law, Vice-Mayor Dow called for public hearing on the proposal to amend Chapter 27 of the City Code by establishing a P-D Planned Development District. City

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Manager Graves gave an outline of the proposal which would provide for the development of five or more acres as a unit, giving the developer considerable latitude in designing his development, the plans and scheduling of which would have to be approved by the Planning Commission and the City Council. The following people spoke in favor of a P-D zone: Mr. C. L. Jones, 900 Victor Road, said that under the present ordinance there is no provision for cluster type development. He has plans for a cluster type medical-dental center which would not be permitted under the present ordinance. Mr. Frank Zemke, 900 Victor Road, stated that the cluster type development has been popular in other parts of the state and has been successfully controlled in Southern California. No one else in the audience spoke for the proposal and there was no one who spoke against it. Vice-Mayor Dow closed the public hearing portion of the hearing.

Councilman Culbertson stated he was still opposed to the wide open portion of the ordinance; there are no restrictions on height or density. He felt it was just a means of bypassing regulations and that the height and density regulations in the least restrictive areas should hold. He contended that if a building was allowed to go over 65 feet in a P-D zone it should be allowed in a commercial zone also. Councilman Kirsten said the intent of the P-D zone was to give the developer a free rein to express his creativity, but that the City would have control over the development. Councilman Walton said that a developer could have something of value for a five-acre parcel that would not be permitted in other zones. Councilman Culbertson said that was how the Council could get into trouble. City Manager Graves said it was incumbent on the Council to use standards in other zones as a maximum, that the P-D zone should not be used as a "back-door" to evade standards. According to Mr. Graves, if the Council is going to consider changing minimum and maximum criteria, the rest of the zoning ordinance should be changed. The Council then discussed the staging of P-D development so that the entire area would be committed. Councilman Walton moved the introduction of Ordinance No. 783 establishing a P-D Planned Development District as recommended by the Planning Commission. His motion was seconded by Councilman Kirsten and carried by the following vote:

AYES: Councilmen - KIRSTEN, WALTON and DOW

NOES: Councilmen - CULBERTSON

ABSENT: Councilmen - BROWN

SIGN

ORDINANCE

Public Hearing on the proposed sign ordinance having been continued from the meeting of January 6, 1965, the Vice-Mayor asked if anyone in the audience wished to be heard. Mr. Bob Peters of the Tokay Bowl, 620 S. Cherokee Lane, asked if a letter had been received from the Lodi District Chamber of Commerce withdrawing its endorsement of the ordinance. The City Clerk stated no such letter had been received. Mr. Les Dabritz, Manager of the Chamber of Commerce, explained that the letter recommending adoption of the sign ordinance had been from the Chamber's Civic Affairs Committee and that it had not been considered by the Chamber Board of Directors, so that no stand had been taken by the Chamber. Mr. C. L. Jones, Chairman of the Civic Affairs Committee, reported that the Committee had recommended the adoption of the ordinance insofar as it met State requirements

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in connection with the freeway beautification program financed by the State. Mr. Lindsay P. Marshall, representing Shell Oil Company, presented results of a survey which had been conducted since January at the Shell service station at US 99 and Victor Road, where a 73-foot sign had been erected last year. According to the survey, of the 78 motorists interviewed, 76% were attracted to the station as a result of sighting the sign from the freeway, 88% indicated the sign height appeared to be adequate while the balance felt it could be higher, and 70% indicated they rely upon signs rather than actual station visibility to direct them to service stations. Mr. Marshall stated that the sign ordinance would require Shell to remove its sign, which had been erected at considerable cost, or reduce its height. Mr. B. Shannon spoke against the sign ordinance and said that as far as landscaping the freeway was concerned, Assemblyman Monagan and Senator Short could work for the City. Mr. Bob Peters of the Tokay Bowl said he objected to height limitations. He also mentioned there was a hazardous flashing sign at Lodi Avenue and Central Avenue that should be eliminated. The Tokay Bowl sign is 55 feet in height and is more than 500 feet from the freeway so would not comply with the proposed ordinance.

Vice-Mayor Dow asked if there were any recommendations from the administration. Mr. Graves said no, that the Council has to determine what it wants. Councilman Culbertson said there were two areas of conflict: height and flashing or animated signs. He said other areas of the ordinance need clarification and asked if there was some way to control use permits. Councilman Walton stated that flashing signs were not objectionable to him per se. He felt, in general, moving signs were not offensive, but perhaps should be regulated where they are near stop signs and such other areas in which they are hazardous to traffic. He said the Council should decide on what restrictions it wants to make, but could not remove all signs categorically as he felt it would be going out of bounds in regulating business. Mr. Graves explained that the State required that billboards be prohibited within 500 feet of the freeway in order to have freeway landscaping, but the State has no objections to identification signs. The Shell sign is considered an identification sign; however, the proposed ordinance would limit the height to 50 feet.

After some discussion it was moved by Councilman Kirsten that a 35-foot height limitation as set forth in the ordinance for areas other than the freeway be approved. His motion was seconded by Councilman Walton, it being understood that this did not apply to temporary holiday signs. Councilman Culbertson offered a substitute suggestion to set the limit of signs to the height of buildings allowed in any specific zone. Other members of the Council did not favor the suggestion. The motion to restrict signs to 35 feet in areas other than the freeway as set forth in the ordinance carried by the following vote:

Ayes: Councilmen - KIRSTEN, WALTON and DOW

Noes: Councilmen - CULBERTSON

Absent: Councilmen - BROWN

The Council then gave consideration to the limits which should comprise the freeway area. City Manager Graves suggested that, inasmuch as some parts of

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Cherokee Lane were further than 500 feet from the freeway, a line around 100 feet west of the west line of Cherokee Lane be the west limit line so as to take in the frontage property on Cherokee Lane. Councilman Kirsten moved that the freeway area for identification signs designed for viewing from the freeway be between a line 500 feet east of the east freeway right of way line and a line 500 feet west of the west freeway right of way line or 50 feet west of the west line of the Cherokee Lane right of way, whichever was greater. His motion was seconded by Councilman Culbertson. After further discussion, the motion passed by the following vote:

Ayes: Councilmen - CULBERTSON, KIRSTEN and DOW

Noes: Councilmen - WALTON

Absent: Councilmen - BROWN

Discussion then centered on height of signs in the freeway area. Councilman Culbertson said there were three signs at present which would violate a 50-foot limitation (as set forth in the proposed ordinance). Councilman Kirsten voiced concern about people who have to look at the signs every day. City Manager Graves asked the Council to consider its goal in adopting a sign ordinance. After some discussion, Councilman Walton moved that the height limit of signs in the freeway area be established at 75 feet. His motion was seconded by Councilman Culbertson. Councilman Kirsten said a 75-foot height would compound the problem and would be a detriment to the City. The motion passed by the following vote:

Ayes: Councilmen - CULBERTSON, WALTON and DOW

Noes: Councilmen - KIRSTEN

Absent: Councilmen - BROWN

The Council then discussed flashing and animated signs. Councilman Kirsten said he has noticed some which were traffic hazards and asked if such signs could be defined in the ordinance. Councilman Walton suggested that the administration could get some limitations on flashing signs. City Manager Graves said perhaps it could be according to location, color, etc. City Attorney Mullen said the criteria would have to be specific. Councilman Culbertson moved that further consideration be continued to April 21, 1965. His motion was seconded by Councilman Walton. Vice-Mayor Dow pointed out that this action would not close the public hearing portion of the hearing. The motion carried by the following vote:

Ayes: Councilmen - CULBERTSON, WALTON and DOW

Noes: Councilmen - KIRSTEN

Absent: Councilmen - BROWN

PLANNING COMMISSION

REZONE LAND
AT SW CORNER
IRIS DR. AND
HAM LANE

The Planning Commission recommended the rezoning from the R-1 One Family Residential District to the R-3 Limited Multiple Family Residential District for a parcel at the southwest corner of Ham Lane and Iris Drive. On motion of Councilman Kirsten, Walton second,

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the City Council set the matter for public hearing on April 7, 1965.

KETTELMAN
ADDITION

The Planning Commission recommended annexation of the Kettelman Addition to the City.

The Planning Commission also took the following actions:

1. Approved with conditions the request of Pacific Investment Company by Mr. Wayne Richmond for a use permit to construct Phase II of the proposed Lakewood Mall Shopping Center at the northwest corner of Han Lane and West Elm Street.
2. Approved with conditions the county referral of a use permit for the Lodi Medical Development Company to erect a hospital on a ten-acre site located on the east side of Lower Sacramento Road between Cochran Road and the future extension of West Vine Street.
3. Set for public hearing the request of Mr. and Mrs. O. D. Kettelman and Mrs. Margaret Kettelman Harvey by Mr. Robert Rinn for C-2, Commercial zoning for the Kettelman Addition to the City of Lodi.
4. Approved the request of Mr. John Kappos for a variance of five feet in the lot width requirement in an R-3, Limited Multiple-Family Residential zone in order that the applicant may construct 32 apartment units rather than the permitted 28 units.
5. Set for public hearing a recommended amendment to the Zoning Ordinance which would eliminate the increasing lot width requirement in an R-3 zone and establish the density of apartment units on a square footage basis only.

COMMUNICATIONS

HERBERT LEHR
RE R/W ON
STOCKTON ST.

A letter was received from Mr. Herbert Lehr concerning the dedication of 5 feet on the Stockton Street side of his property located at the southeast corner of Stockton and Lodi Avenue which had been approved by the Council at its meeting of March 3. In exchange for the right of way Mr. Lehr is also asking for improvement of the Stockton Street side of his property including gutter, curb, sidewalk, and driveway into side-rear entrance into his building. Councilman Culbertson said the City would be widening the street at that point and he moved that the City accept the offer of Mr. Lehr for a 5-foot right of way on Stockton Street in exchange for curb, gutter, sidewalk, and driveways on Lodi Avenue and Stockton Street. His motion was seconded by Councilman Walton and carried.

MILLS REQUEST
FOR OUTSIDE
WATER SERVICE

A letter was read from Mr. Lindsay P. Marshall, attorney for Mrs. A. F. Mills, requesting outside water service in order to irrigate 45 acres of vineyard owned by Mrs. Mills. The property is adjacent to the city limits. Use of the water could be restricted, within limits, to night-time hours. City Manager Graves reported that the City has a long-standing policy not to grant outside service unless the property owner signs a letter agreeing to annex to the City. He said the only exceptions were in granting irrigation water for the Lauchland property for one season and also to the Pope property which was a special case having to do with one of the City's wells and need for right of way. Mr. Graves said there was nothing to prohibit annexation of Mrs. Mills' property

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and he could not recommend approval of the request. Councilman Walton moved that the request be denied. There was no second. Councilman Culbertson said he would like more information. City Attorney Mullen suggested that the matter be continued and said he would get in touch with Mr. Marshall concerning possible annexation of the property. Councilman Kirsten moved that the request of Mrs. Mills be held over to the next regular or adjourned meeting to discuss the matter more fully. The motion was seconded by Councilman Culbertson and carried.

ABC LICENSES

The following notices of application for alcoholic beverage license were received:

1. Vincent J. Sisco, Hotel Lodi, 7 S. School St.,
On Sale Beer.
2. Ester D. & Mike G. Mikalis, Plaza Liquors, 429B
West Lockeford Street, Retail Package Off Sale
General.

COMMUNITY
ACTION COUNCIL

Mr. Graves stated a letter had been received from the Community Action Council of San Joaquin County informing the Council that in order to qualify for an initial planning grant (to implement the Anti-Poverty Program) from the Federal Government, 10% of the budget had to be furnished locally. At the time the letter was written the Board of Supervisors was waiting for action by the State Legislature which would permit the Board to contribute, and in order not to lose the Federal funds, the Community Action Council was asking each city in the County to contribute \$350. Mr. Graves said that since the letter had been received, the Board of Supervisors has granted \$2400 for this purpose although the County Counsel has raised a question as to its legality. Since there is no immediate urgency, Mr. Graves suggested that action on the request be delayed. Councilman Culbertson moved the Community Action Council be informed that the City would not contribute to the Community Action program until the City has more information thereon. His motion was seconded by Councilman Kirsten and carried.

AUBURN DAM-
FOLSOM SOUTH
CANAL UNIT
HEARINGS

RES. NO. 2803
ADOPTED

A communication has been received from the Executive Secretary of the California Water Commission stating that hearings are to be held before the House and Senate committees at the end of this month on authorizing legislation for the Auburn Dam-Folsom South Canal project. Those interested should send copies of a statement or resolution to the Executive Secretary for presentation to the committees. Local personal participation is not being urged. On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2803 urging the early authorization of the Auburn Dam-Folsom South Canal.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$99,803.09 were approved on motion of Councilman Kirsten, Walton second.

AWARD -
TELEMETRY
SYSTEM

RES. NO. 2804
ADOPTED

City Manager Graves stated that only one bid had been received on the furnishing and installation of a telemetry system. The bid was from the Hershey Sparling Meter Company for a total of \$30,682.60 which was slightly below the City's estimate. Mr. Graves recommended that award be made. On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2804 awarding the contract for the furnishing and

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installation of a telemetry system to Hershey Sparling Meter Company in accordance with the bid.

AWARD -
DUMP TRUCK

The following bids were received for one 2-ton dump truck:

RES. NO. 2805	Loewen Auto Company	\$4,189.15
ADOPTED	Tokay Motors	4,471.66
	International Harvester	4,633.16
	Krieger Ford	4,726.01

Mr. Graves recommended that award be made to the low bidder. On motion of Councilman Kirsten, Walton second, the City Council adopted Resolution No. 2805 awarding the contract for the 2-ton dump truck to Loewen Auto Company for a total of \$4,189.15.

AWARD -
WEST LANE
UTILITIES

Bids received for the West Lane Utility Extension project were as follows:

RES. NO. 2806	Tompkins & Gallaven	\$16,294.92
ADOPTED	R. Goold & Son	16,370.40
	Stockton Construction Co.	16,886.16
	A. Teichert & Son	21,894.00

Mr. Graves stated the low bid was in excess of 20% of the City's estimate, but it appears that the original estimate was too low and that a better bid could not be received by readvertising. He recommended that award be made. On motion of Councilman Walton, Culbertson second, the City Council adopted Resolution No. 2806 awarding the contract for West Lane Utility Extension to the low bidder, Tompkins and Gallaven, for \$16,294.92.

SPECS -
HAM LANE
SANITARY
TRUNK SEWER

The City Manager presented specifications for the Ham Lane Sanitary Trunk Sewer, Vine Street to Tokay Street. He said the estimated cost was \$15,600 and an additional allocation of \$3,400 would be required to complete the project. On motion of Councilman Culbertson, Walton second, the City Council approved the plans and specifications and authorized calling for bids on the Ham Lane Sanitary Trunk Sewer.

LIPILT
LEASE

Mr. R. M. Lipelt is requesting renewal of a yearly lease with the City covering a small portion of the Lodi Lake area immediately east of his property. On motion of Councilman Walton, Kirsten second, the City Council approved extending the lease for one year ending March 31, 1966.

SPORTSMAN'S
CLUB LEASE

City Manager Graves recommended renewal of the lease with the Lodi Sportsman's Club at \$300 per year for two acres adjacent to the old City dump site along the Mokelumne River. On motion of Councilman Walton, Kirsten second, the lease with the Lodi Sportsman's Club was renewed to March 31, 1966.

POPULATION
ESTIMATE

The State Department of Finance has forwarded an agreement to the City for a population estimate by the State and has requested that the Council approve the same by resolution. On motion of Councilman Walton, Kirsten second, the City Council adopted Resolution No. 2807 approving the agreement with the State Department of Finance as presented and authorizing its execution on behalf of the City by the City Manager.

RES. NO. 2807
ADOPTED

APPLICATION
FOR FEDERAL
GRANT -
SEWAGE
TREATMENT

Under the Federal Water Pollution Control Act the City may make application for a Federal grant for construction of sewage treatment works and Mr. Graves recommended that he be authorized to make such application. On motion of Councilman Kirsten, Walton second, the City Council adopted Resolution No. 2808 authorizing the

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RES. NO. 2808
ADOPTED City Manager to file in behalf of the City an application for Federal grant for sewage treatment works.

CHLORINATION
OF EFFLUENT The State Water Pollution Control Board has stated that the City's sewage treatment is deficient in that the City does not chlorinate the effluent and this situation should be corrected. Mr. Carleton Yoder, the City's Consulting Sanitary Engineer, has given the City a rough estimate that the chlorinating equipment would cost between \$12-\$15,000. The installation would serve throughout the life of the present plant. On motion of Councilman Walton, Kirsten second, the City Council authorized Mr. Yoder to proceed with plans and specifications for chlorinating equipment.

1964 EDITION
UNIFORM
PLUMBING CODE The Public Works department is recommending the adoption of the 1964 edition of the Uniform Plumbing Code to bring present requirements up to date. The City is using the 1955 edition. The ordinance adopting the code would also increase fees for plumbing permits and eliminate bituminous fiber pipe for sanitary house sewers. On motion of Councilman Walton, Kirsten second, the Council set the matter for public hearing on April 7, 1965.

HEINLE
OFFER RE
SACRAMENTO
ST. R/W Mr. Graves reported that an offer has been received from Mr. Eldo Heinle to exchange right of way on Sacramento Street at Tamarack Drive for curb and gutter along his property on Tamarack Drive as well as Sacramento Street. The policy of the City has been to install curb, gutter and sidewalk only along the side on which the right of way is dedicated. Mr. Heinle is interested in having only curb and gutter installed, but the City Manager recommended that the City's policy be maintained and that Mr. Heinle be offered curb, gutter and sidewalk along Sacramento Street in exchange for right of way. On motion of Councilman Walton, Culbertson second, the Council instructed that Mr. Heinle be informed the City would maintain its present policy and not accept his offer.

MARCH 31
MEETING Vice-Mayor Dow suggested that the next item on the agenda, being the recommendation of the Pension Board concerning an actuarial study by the State Employees' Retirement Association, be postponed to an adjourned meeting on March 31. Mr. Graves said he was recommending a meeting on March 31 so that final action could be made on a bond election. There is a possibility that Stone and Youngberg will be ready with their financial report by that date. Also, the Council should make a decision on the hospitalization insurance by the end of this month. Indications are that the premium for employees will be up 40% and for dependents 24%.

LEASE OF
WASTE DISPOSAL
SITE City Attorney Mullen stated that he has been negotiating with Mr. Pete J. Kooyman for purchase of 130 acres adjoining the City's 303-acre waste site. Mr. Kooyman is interested in renting the City's acreage for grazing and the City's present tenant, Mr. George Emde, apparently is willing to let Mr. Kooyman take over the lease. Mr. Kooyman's attorney, Mr. Robert Mertz, has submitted a proposal to rent the land for \$20 per acre. Mr. Graves said there are some problems in connection with leasing the land because of the City's operation and it was important to have a tenant who would be willing to cooperate with the City. He said the perimeter fencing belongs to the City, but the cross fencing belongs to Mr. Emde. Mr. Graves suggested that the City maintain the ditches, but that Mr. Kooyman should negotiate with Mr. Emde on the fencing, the price of which Mr. Emde has set at \$2,500. According to Mr. Mertz, Mr. Kooyman

would prefer to have the City own the cross fencing. The City Manager said it should be made clear in the lease that the City would not adjust the rent in the case of adverse conditions such as water damage to crops. Councilman Kirsten moved that the City Manager be authorized to negotiate with Mr. Kooyman or his representative for lease of the City's waste disposal site in accordance with the City Manager's recommendations. The motion was seconded by Councilman Walton, with the understanding that the City Manager would have some flexibility in reaching agreement on the cross fencing. The motion passed by unanimous vote.

R/W AT
NW CORNER OF
STOCKTON ST.
& LODI AVE.

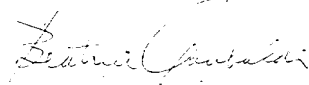
City Manager Graves explained that in order to correct the existing deficiency at the Stockton Street intersection with Lodi Avenue the City needs a small piece of property on the corner belonging to Mr. W. J. Robinson. Mr. Robinson has offered to exchange this property for installation of sidewalk along his Stockton Street frontage and construction of a driveway on Lodi Avenue by the City. It will be necessary to relocate a sign because of the relocation of the curb and gutter and Mr. Robinson is also asking that the City pay for moving the sign, the cost of which would be around \$37. Mr. Graves recommended that Mr. Robinson's offer be accepted. Councilman Walton moved that the City accept the right of way deed for property at the northwest corner of Stockton and Lodi Avenue in exchange for installation of sidewalk and driveways along the Stockton Street and Lodi Avenue frontages of Mr. Robinson's property and relocation of a sign on Lodi Avenue in accordance with Mr. Robinson's offer. The motion was seconded by Councilman Kirsten and carried.

SALARY
INCREASES -
CITY ATTORNEY
& CITY CLERK

Councilman Culbertson moved that the annual salary of the City Attorney be increased to \$8,100 effective March 1, 1965. The motion was seconded by Councilman Walton and carried. Councilman Kirsten moved that as of March 1, 1965 the annual salary of the City Clerk be increased to \$1,200 per year. The motion was seconded by Councilman Walton and carried.

ADJOURNMENT

There being no further business, at 11:15 p.m. the City Council adjourned to March 31, 1965 on motion of Councilman Culbertson.



Attest: BEATRICE GARIBALDI
City Clerk